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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/717,830	11/20/2003	David G. Conroy	MS1-4172US	8567
22801 7590 10/14/2010 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER ZHEN, L F B				
ART UNIT 2194		PAPER NUMBER		
NOTIFICATION DATE 10/14/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/717,830

Applicant(s)

CONROY ET AL.

Examiner

LI B. ZHEN

Art Unit

2194

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-18,20-23 and 26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5 and 26 is/are allowed.
- 6) ☒ Claim(s) 6,8-18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 9/28/2010

DETAILED ACTION

1. Claims 1, 3 – 6, 8 – 18, 20 – 23, and 26 are pending in the application.

Allowable Subject Matter

2. Claims 1, 3 – 5 and 26 are allowed.

Response to Arguments

3. Applicant's arguments filed 7/26/2010 have been fully considered but they are not persuasive. In response to the previous office action, applicant argues:

(1) "Applicant respectfully submits that claim 21, with the amendment herein, recites statutory subject matter under § 101 at least because the claimed computer-readable medium "stores" the computer-executable instructions. Therefore, the claimed computer-readable medium cannot embody a transitory signal, since a transitory signal is not capable of having instructions stored thereon." [p. 13];

- (2) "Claim 6, as amended herein, recites, in part:

the customizable tag-based document also describing a state of the service representing a device for an input/output event and a state of the input/output event that has been generated by the service representing the device.

The above language was not part of this claim and therefore was not considered by the Office when rejecting this claim. However, very similar language was considered by the Office when claim 21 was examined and the Office failed to cite any of the cited references as including this feature of claim 21. Accordingly,

Applicant submits that the Office will not find this same feature in this claim as represented by the amended claim language herein." [p. 14]

(3) "Claim 16, as amended herein, recites, in part:

receiving a customizable tag-based message that contains a state of the service representing the device and the input/output event that has been generated by the service representing the device.

Much of the above language was not part of this claim and therefore was not considered by the Office when rejecting this claim. However, very similar language was considered by the Office when claim 21 was examined and the Office failed to cite any of the cited references as including this feature of claim 21. Accordingly, Applicant submits that the Office will not find this same feature in this claim, as represented by the amended claim language herein.

For at least the reasons presented herein, the combination of cited references does not teach or suggest all of the features of this claim. Accordingly, Applicant respectfully requests that the Office withdraw the 103 rejection of this claim." [p. 15]

As to argument (1), examiner respectfully disagrees and notes that a computer-readable medium that stores computer-executable instructions does not limit the computer-readable medium to statutory subject matter. It is also noted that applicant specification does not provide disclosure of a "computer-readable medium" storing computer-executable instructions. Therefore, the 35 USC 101 rejection for claims 6, 8 – 15, and 21 – 23 is maintained.

As to arguments (2) and (3), examiner respectfully disagrees and notes that new limitations added to claims 6 and 16 are taught by the prior art of record; see the rejections of claims 6 and 16 below.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. **Claims 6, 8 – 15, and 21 – 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

Claims 6, 8 – 15, and 21 – 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 6 and 21 recite a computer-readable medium. The specification is silent regarding the meaning of computer readable medium. The broadest reasonable interpretation of a claim drawn to a computer readable medium typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is silent. See MPEP 2111.01. Therefore, the computer-readable medium recited in claims 6, 8 – 15, and 21 – 23 are directed is non-statutory subject matter. A claim drawn to such a computer readable medium that covers both transitory and non-transitory embodiments may be amended to narrow the claim to cover only statutory embodiments to avoid a rejection under 35 U.S.C. § 101 by adding the limitation “non-transitory” to the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 6, 8 – 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 2002/0029256 A1 to Zintel et al. [hereinafter Zintel] in view of US 2003/0101294 A1 to Saint-Hilaire et al. [hereinafter Saint] and further in view of US 2004/0181796 A1 to Fedotov et al. [hereinafter Fedotov], all references previously cited.**

8. As to claim 6, Zintel teaches a computer-readable medium storing thereon computer-executable services [paragraphs 0511 and 0512] comprising:

a terminal service [paragraph 0062] comprising: a display service [digital television, devices that support local user interface; paragraphs 0061, 0062 and 0078], a port identifier for the service [paragraph 0080], and a unilateral contract [paragraphs 0213, 0214, 0261, 0266 – 0269, 0524] for describing one or more behaviors of the display service [Contracts describe the public behavior of UPnP devices; paragraph 0557], wherein the one or more behaviors associated with a service are described by behavior sentences [paragraphs 0558 – 0563; paragraph 0213: "Contract defines network data packets 413, request/response patterns, and protocol"], wherein the

unilateral contract is accepted when another service promises to perform the unilateral contract in accordance with the one or more behaviors [paragraphs 0524, 0528] or when the other service performs the unilateral contract in accordance with the one or more behaviors [paragraph 0214], and wherein acceptance of the unilateral contract creates an instance of communication between the display service and another service [paragraphs 0117, 0214, 0524, 0528], a customizable tag-based document also holding a state of the service representing a device for an input/output event [paragraphs 0125, 0273 – 0277, and 0294] and a state of the input/output event that has been generated by the service representing the device [paragraphs 0341, 0355, 0366]. Zintel does not specifically teach a cursor shape service with a port identifiable by an identifier, a customizable tag-based document that describes the shape of an on-screen cursor, the customizable tag-based document including image data specifying pixels that comprise the on-screen cursor.

However, Saint teaches a display service includes a cursor shape service [various types of input, from no input at all to pen-input, keyboard, mouse, and button input. Each type of input will generally be handled by a respective input service, wherein the existence and capabilities of each input service will be described in that service's UPnP description information; paragraph 0144 – 0146 of Saint] with a port identifiable by an identifier [URLs for control and eventing; paragraphs 0109], computer-readable medium also storing thereon computer-readable information [paragraph 0170] comprising: a customizable tag-based document that describes the an on-screen cursor [XML file will describe how the input service behaves, what primitive, are used, data

identifying the bounds of mouse coordinates, whether custom channels exist and where to obtain the code modules to interpret the raw input data; paragraph 0160], the customizable tag-based document also holding a state of the service representing a device [paragraphs 0105 and 0110] for an input/output event [paragraphs 0151, 0155, 0159] and a state of the input/output event that has been generated by the service representing the device [paragraphs 0032, 0102].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the system of Zintel to include the features of Saint. One of ordinary skill in the art would have been motivated to make the combination because this provides a mechanism that enables interaction between a low-cost networked device and an "extended" personal computer, wherein a majority of the software and hardware components used to enable the interaction are provided by the extended PC, and the remote device requires limited hardware that supports "lightweight" software service components [paragraph 0023 of Saint].

Zintel and Saint does not specifically disclose that the description of the on-screen cursor includes the shape of an on-screen cursor and image data specifying pixels that comprise the on-screen cursor.

However, Fedotov teaches describing an on-screen cursor include the shape of the on-screen cursor and image data specifying pixels that comprise the on-screen cursor ["cursor" object primitive may be the cursor of a mouse (or other pointing device), of virtually any shape...To fully define a cursor object, its image data (e.g., shape,

color), its size and its hotspot coordinate (i.e., location) are noted; paragraph 0157 of Fedotov].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the invention of Zintel and Saint to include the features of Fedotov. One of ordinary skill in the art would have been motivated to include the shape and image of the cursor into the XML description of the input service in Saint because this defines a presenter's cursor as an object primitive and allows the cursor to be correctly and easily placed by caching the cursor object and simply specifying the position at which to draw the object [paragraph 0157 of Fedotov].

9. As to claim 16, Zintel as modified teaches a computer-implemented method for processing input/output events by devices as services [an Event Subscription Server and an Event Source; paragraph 0062 of Zintel], the method comprising:

requesting, by a computing system configured to represent devices as services in a decentralized operating system [client device 950; paragraph 0554 of Zintel], a service representing a device for an input/output event [various types of input, from no input at all to pen-input, keyboard, mouse, and button input. Each type of input will generally be handled by a respective input service, wherein the existence and capabilities of each input service will be described in that service's UPnP description information; paragraph 0144 – 0146 of Saint and paragraphs 0524, 0087 and 0106 of Zintel], the service including a port identifiable by an identifier that includes a uniform resource identifier [paragraph 0080 of Zintel and paragraphs 0109 of Saint] and a

unilateral contract for describing one or more behaviors of the service [paragraphs 0213, 0214, 0261, 0266 – 0269, 0524 of Zintel], the unilateral contract expressed in a language specifying an order of messages that flow in or out of services [wire protocol (the content and sequence of network messages); paragraphs 0261 and 0267 of Zintel];

requesting the service [paragraphs 0152 – 0155 of Saint and paragraph 0157 of Fedotov] to change a cursor shape, the act of requesting invoking a cursor shape service that changes the shape of the cursor [cursor shape has changed and returning the current shape if it has; paragraph 0304 of Fedotov];

receiving a customizable, tag-based message that contains a state of the server representing the device [paragraphs 0125, 0273 – 0277, and 0294 of Zintel] and the input/output event [publishes updates by sending event messages, which contain the names of one or more state variables and the current value of those variables. These messages are also expressed in XML and formatted using the General Event Notification Architecture (GENA); paragraphs 0612 and 0276 of Zintel and paragraphs 0105 and 0110 of Saint] that has been generated by the service representing the device [paragraphs 0341, 0355, 0366 of Zintel and paragraphs 0032, 0102 of Saint]; and

requesting the service to remove the input/output event [paragraphs 0308, 0310, and 0243 of Fedotov]. As to the motivation for combining Zintel, Saint and Fedotov, see the rejection to claim 6 above.

10. As to claim 8, Zintel as modified teaches the display service includes a cursor position service for describing the position of an on-screen cursor [paragraph 0144 –

0146 of Saint], the cursor position service including a port identifiable by an identifier that includes a uniform resource identifier [paragraph 0080 of Zintel] and a unilateral contract for describing one or more behaviors of the cursor position service [paragraph 0557 of Zintel].

11. As to claim 9, Zintel as modified teaches wherein the display service includes a window service for describing a window [paragraphs 0113, 0114 and 0119 of Saint], the window service including a port identifiable by an identifier that includes a uniform resource identifier [paragraph 0080 of Zintel] and a unilateral contract for describing one or more behaviors of the window service [paragraph 0557 of Zintel].

12. As to claim 10, Zintel as modified teaches wherein the display service includes a window list service [paragraphs 0113, 0114 and 0119 of Saint] for containing a list of window services appearing on a display, the window list service including a port identifiable by an identifier that includes a uniform resource identifier [paragraph 0080 of Zintel] and a unilateral contract for describing one or more behaviors of the window list service [paragraph 0557 of Zintel].

13. As to claim 11, Zintel as modified teaches wherein the display service includes a window update service for refreshing a window represented by a window service [paragraphs 0113, 0114 and 0119 of Saint], the window update service including a port identifiable by an identifier that includes a uniform resource identifier [paragraph 0080 of

Zintel] and a unilateral contract for describing one or more behaviors of the window update service [paragraph 0557 of Zintel].

14. As to claim 12, Zintel teaches a keyboard service [paragraphs 0144 – 0146 of Saint] with a port identifiable by an identifier that includes a uniform resource identifier [paragraph 0080 of Zintel] and a unilateral contract for describing one or more behaviors of the keyboard service [paragraph 0557 of Zintel].

15. As to claim 13, Zintel teaches wherein the keyboard service includes a data service for containing keyboard events generated by a keyboard [paragraphs 0144 – 0146 of Saint], the data service being capable of responding to queries to remove keyboard events for processing [paragraphs 0308, 0310, and 0243 of Fedotov]. As to the motivation for combining Zintel and Saint with Fedotov see the rejection to claim 6 above.

16. As to claim 14, Zintel teaches the terminal service further comprises a mouse service [paragraphs 0144 – 0146 of Saint], the mouse service including a port identifiable by an identifier that includes a uniform resource identifier [paragraph 0080 of Zintel] and a unilateral contract for describing one or more behaviors of the mouse service [paragraph 0557 of Zintel].

17. As to claim 15, Zintel teaches wherein the mouse service includes a data service for containing mouse events generated by a mouse, the data service being capable of responding to queries to remove mouse events for processing [paragraphs 0308, 0310, and 0243 of Fedotov]. As to the motivation for combining Zintel and Saint with Fedotov see the rejection to claim 6 above.

18. As to claim 17, Zintel as modified teaches requesting the service for creating a window, the act of creating a window creating a window service [paragraphs 0113, 0114 and 0119 of Saint] with a port identifiable by an identifier that includes a uniform resource identifier [paragraph 0080 of Zintel] and a unilateral contract for describing one or more behaviors of the window service [paragraph 0557 of Zintel].

19. As to claim 18, Zintel as modified teaches comprising requesting the service for refreshing the window, the act of requesting invoking a window update service that repaints the window [paragraphs 0113, 0114 and 0119 of Saint].

20. As to claim 20, Zintel as modified teaches requesting the service to change a position of a cursor, the act of requesting invoking a cursor position service that changes the position of the cursor [paragraphs 0145 – 0146 of Saint].

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

CONTACT INFORMATION

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LI B. ZHEN whose telephone number is (571)272-3768. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sub Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Li B. Zhen/
Primary Examiner, Art Unit 2194